

**ORIGINAL**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CADE OYADOMORI and RANAE ) CIVIL NO. 06-00666 (JMS/KSC)  
 AWAKUNI, on behalf of themselves ) (Class Action Complaint)  
 and all others similarly )  
 situated in the State of Hawaii,) ) PLAINTIFFS' EX PARTE MOTION  
 Plaintiffs, ) TO EXTEND TIME FOR SERVICE OF  
 ) SUMMONS AND COMPLAINT;  
 vs. ) AFFIDAVIT OF KUNIO KUWABE;  
 ) ORDER GRANTING PLAINTIFFS' EX  
 ) PARTE MOTION TO EXTEND TIME  
 ) FOR SERVICE OF SUMMONS AND  
 ) COMPLAINT  
 CYPRESS SEMICONDUCTOR )  
 CORPORATION; FUJITSU AMERICA, )  
 INC.; FUJITSU LIMITED, INC.; )  
 HITACHI AMERICA LTD.; HITACHI )  
 LTD.; HYNIX SEMICONDUCTOR )  
 AMERICA INC.; HYNIX )  
 SEMICONDUCTOR INC.; MATSUSHITA )  
 ELECTRIC INDUSTRIAL CO., LTD., )  
 d/b/a PANASONIC; SEMICONDUCTOR )  
 COMPANY, MATSUSHITA ELECTRIC )  
 INDUSTRIAL CO., LTD.; MICRON )  
 SEMICONDUCTOR PRODUCTS, INC., )  
 d/b/a CRUCIAL TECHNOLOGY; )  
 MICRON TECHNOLOGY, INC.; )  
 MITSUBISHI ELECTRIC & )  
 ELECTRONICS USA, INC.; )  
 MITSUBISHI ELECTRIC CORPORATION; )

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NEC ELECTRONICS AMERICA, INC.; )  
NEC ELECTRONICS CORPORATION; )  
RENESAS TECHNOLOGY AMERICA, )  
INC.; RENESAS TECHNOLOGY CORP.; )  
SAMSUNG ELECTRONICS COMPANY )  
LTD.; SAMSUNG SEMICONDUCTOR, )  
INC.; SONY CORPORATION; SONY )  
CORPORATION OF AMERICA; SONY )  
ELECTRONICS, INC.; TOSHIBA )  
AMERICA CORPORATION; TOSHIBA )  
AMERICA ELECTRONIC COMPONENTS; )  
TOSHIBA CORPORATION; and JOHN )  
DOE 1 through 100; )  
Defendants. )  
)

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service complaint.wpd

PLAINTIFFS' EX PARTE MOTION  
TO EXTEND TIME FOR SERVICE OF SUMMONS AND COMPLAINT

Plaintiffs CADE OYADOMORI and RANAE AWAKUNI, by and through their attorneys, HISAKA YOSHIDA & COSGROVE, move this court ex parte for an entry of an Order Granting Plaintiffs' Ex Parte Motion to Extend Time for Service of Summons and Complaint.

Currently, for the Complaint filed on December 15, 2006, Plaintiffs are required to serve the Summons and Complaint on the Defendants within 120 days of the filing date of the Complaint pursuant to Rule 4(m) of the Federal Rules of Civil Procedure; the 120 days deadline runs on or about April 14, 2007.

However, pursuant to Hawaii Revised Statutes ("H.R.S.") § 480-13.3, Plaintiffs were required to seal the Complaint and take no further action pending the statutory review by the

Attorney General of the State of Hawaii, a statutorily prescribed period of time that runs no less than 60 days. Previously, this Court granted Plaintiffs' Ex Parte Motion To File Complaint Under Seal on December 19, 2006.

As required under H.R.S. § 480-13.3, Plaintiffs submitted the sealed Complaint and supporting materials to the Attorney General of the State of Hawaii for the statutorily mandated review. Although the statutory review period of 60 days under H.R.S. § 480-13.3 expired on or about February 13, 2007, the Attorney General's office is still reviewing this class action matter. On January 8, 2007, which was within the statutory period of review, the Attorney General sent Plaintiffs a letter requesting additional information regarding the underlying facts of the complaint. The Attorney General also stated that it did not have enough information to make a determination until such information was supplied, and therefore the Attorney General does not believe that the statutory period for its review had started to run.

In the interests of comity and cooperation, Plaintiffs' counsel have not contested the Attorney General's position even though the statutory period would have expired, and Plaintiffs' counsel have been conferring with the Attorney General's office to see if there is a way in which Plaintiffs may proceed and yet

accommodate the Attorney General's mandated review of this class action matter.

Furthermore, Plaintiffs should note that this action is one of more than 100 similar class actions filed against these defendants in federal district courts across the country. All of those cases have been transferred by the Judicial Panel on Multidistrict Litigation to the Northern District of California, Oakland Division for coordinated pre-trial proceedings. Assuming that Plaintiffs can reach an accord with the Attorney General to lift the seal, this action will be transferred to the Northern District of California as well, where a consolidated complaint is likely to be filed and served on the defendants.

In the interim, however, the 120 days deadline for the completion of service mandated under FRCP Rule 4(m) is pending.

In the interest of economy, Plaintiffs seek to extend the deadline for the completion of service on the Defendants for another 120 days. This additional time will allow the Attorney General's office to complete its review and determine whether to allow Plaintiffs to proceed with their action. This additional time should also allow sufficient time for the case to be transferred to the Northern District of California, where the case can join the consolidated complaint and be served on the Defendants (presuming the Attorney General's office declines to

proceed on behalf of Plaintiffs under H.R.S. § 480-13.3). And such additional time will also allow Plaintiffs the opportunity to amend their Complaint; Plaintiffs anticipate that they may file an Amended Complaint with the same claims and allegations but with fewer Defendants than identified in the original Complaint.

Therefore, Plaintiffs are requesting the extension of another 120 days for the completion of service under FRCP Rule 4(m). Accordingly, Plaintiffs are seeking to extend the current deadline for the completion of service under FRCP Rule 4(m) to August 12, 2007.

This ex parte motion is brought pursuant to FRCP Rules 4 and 6 and Local Rules of Practice for the Rules of the United States District Court for the District of Hawai'i Rule 6.2 and is supported by the attached Affidavit of Kunio Kuwabe.

DATED: Honolulu, Hawaii, June 27, 2007.

  
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STEVEN K. HISAKA  
GAIL Y. COSGROVE  
KUNIO KUWABE  
Attorneys for Plaintiffs